REMARKS

Applicants respectfully request entry of the amendments and remarks submitted herein. Claims 10-13 have been amended herein, and new claim 21 has been added herein. In addition, claims 1, 5-9 and 16-18 have been canceled herein without prejudice to continued prosecution.

Claims 10-13, 19, 20 and 21 are currently pending. Applicants thank the Examiner for the Advisory Action mailed September 22, 2010. Applicants address the specific comments from the Advisory Action below. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §103 Rejections

Claims 1, 5-13, 16, 17, 19 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fazzina et al. (US Patent No. 3,852,501) in view of Suderman (US Patent No. 4,588,600), further in view of Evans et al. (US Patent No. 4,208,442) and in light of Kettlitz (US Patent No. 6,235,894). According to the Examiner, it would have been obvious to one of ordinary skill in the art for the dry mix of Fazzina in view of Suderman to have used n-octenyl succinate as the modified starch, as taught by Evans. This rejection is respectfully traversed with respect to the pending claims.

The claims as amended are directed toward a food composition that includes meat, fish, poultry, seafood, rice, potato, dairy products, fruits and/or vegetables and either a particularly-claimed dry mix or a completed mix, which includes the particularly-claimed dry mix and a liquid. The food composition can be, for example, snacks, pies, pizza-like products, savoury filled products, and sweet bakery products. The particularly-claimed dry mix includes specific amounts of fat, carbohydrates, proteins and emulsifiers, and has a good freeze-thaw stability, good baking stability and good viscosity stability in acid, alkaline and neutral conditions, making it useful in a variety of food compositions.

Fazzina discloses a dry mix to be used in frying food products, and is intended to provide a crisp coating on the subsequently fried food product. Evans discloses a dry mix that is for coating a fowl, which then can be baked. In addition, Sudderman discloses a dry mix that is

combined with water or oil and intended for baking. On the other hand, the particularly-claimed dry mix or the completed mix that includes the particularly-claimed dry mix can be used in products that are baked or fried, that may be further frozen after baking or frying, and also that may be heated in a microwave. In other words, the particularly-claimed dry mix is not limited to one particular form of cooking or one particular type of food product.

Contrary to the Examiner's assertion, it would not be obvious, based on Fazzina, Evans and Sudderman, to arrive at a dry mix that can be used in a variety of food compositions including, for example, bakery products, pie-type products, and pizza-like products. Also contrary to the Examiner's assertions, it would not be obvious, based on Fazzina, Evans and Sudderman, to arrive at a dry mix that can be used with, for example, meat, fish, poultry, seafood, rice, potato, dairy products, fruits and/or vegetables. Thus, the combined teachings of Fazzina, Evans and Sudderman do not lead a person skilled in the art to a food composition that includes the particularly-claimed dry mix of the present invention.

Applicants respectfully remind the Examiner that a "patent composed of several elements is not proved obvious merely by demonstrating that each element was, independently, known in the prior art." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). Applicants submit that, for the reasons set forth below, the cited references are insufficient to establish a prima facie case of obviousness. In view of the amendments and remarks herein, Applicants respectfully request that the rejection of the pending claims under 35 U.S.C. §103(a) be withdrawn.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Fazzina et al. in view of Suderman and Evans et al. and in further view of Kettlitz et al.

Without acquiescing to the Examiner's rejection, claim 18 has been canceled herein without prejudice to continued prosecution. Therefore, Applicants respectfully submit that the rejection of claim 18 under 35 U.S.C. §103(a) is moot.

Comments in Response to the Advisory Action mailed September 22, 2010

In the Advisory Action mailed September 22, 2010, the Examiner made the following remarks about the amendments to the claims that were submitted in the Response to Final Office Action submitted on September 14, 2010.

According to the Examiner, the amendments to claim 11 raise the possibility of new matter because claim 11 recites the limitation that the completed mix comprises a layer on, under or around the claimed food products and claim 12 recites the limitation that the layer is one of the claimed components. Applicants have herein amended claim 11 to clarify that the completed mix is a layer on, under and/or around the meat, fish, poultry, seafood, rice, potato, dairy products, fruits and/or vegetables. Applicants believe that, given the amendments to claim 11, claim 12 is proper.

According to the Examiner, amended claim 10 is unclear because it is unclear what is meant by "the completed mix can be used as such…" Applicants note that claim 10 has been amended herein to remove this language and to clarify the claimed food composition.

According to the Examiner, amended claim 11 does not further limit claim 10 where, in claim 10, the completed mix is not a required component of the food composition. Applicants note that claim 11 has been amended herein to require that the food product of claim 11 include the completed mix.

According to the Examiner, the amendments to claim 11 render claim 12 unclear because it is unclear how the layer can be one of the claimed food components when the layer comprises the completed mix which contains the dry mix and a liquid. Applicants have amended claim 11 to clarify that the layer on, under and/or around the meat, fish, poultry, seafood, rice, potato, dairy products, fruits and/or vegetables is the completed mix.

According to the Examiner, amended claim 13 is unclear because the food composition is now claimed in the form of a spread, which may constitute new matter because, previously, it was the completed mix that was claimed in the form of a spread. Applicants thank the Examiner for these comments, and have amended claim 13 to more accurately reflect previous claim 13 as it depended from canceled claim 9. Thus, as amended herein, claim 13 does not introduce new matter.

According to the Examiner, claim 10 reads on a batter comprising a dry mix and a liquid such as milk or water that can be applied to a food product such as meat or vegetables and then baked or fried and that such a concept is known in the prior art and is clearly taught in the prior art references. In response, Applicants note that the Examiner is greatly simplifying the pending claims and also the prior art. Applicants' pending claims recite a very particular dry mix having

very particular features (e.g., freeze-thaw stability, baking stability, and stable viscosity), which can be used as a dry mix or as a completed mix in a variety of different manners (e.g., baked, fried, frozen (before or after baking or frying), or reheated in a microwave). None of the cited references, alone or in combination, disclose the particularly-claimed dry mix having the particular features that can be used in the claimed manners.

CONCLUSION

Applicants respectfully request allowance of claims 10-13, 19 and 20. Please apply any charges or credits to Deposit Account No. 06 1050.

Respectfully submitted,

/November 1, 2010/

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Date:_____

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